



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/542,947

07/21/2005

Makoto Nishizaki

2005-1122A

5778

513 7590 10/20/2008

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

GRAHAM, SAMUEL E

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

10/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/542,947	Applicant(s) NISHIZAKI ET AL.	
	Examiner SAMUEL GRAHAM	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/27/2005 and 7/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 58 and 67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 58 and 67 read "*contrast between a position and characters in a text message is large*". However, a contrast is a comparison of similarities and dissimilarities between two subjects. A position and a character are inherently dissimilar and cannot share properties. For example, a contrast between the color of a displayed character and a position cannot be performed because position cannot be described by the property of color. Therefore, the limitation is determined to be indefinite and cannot be interpreted due to a basic contradiction.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 55 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (U.S. Pub. No. 2004/0190687), and further in view of Kivimaki (U.S. Patent No. 7,174,295 B1).

Art Unit: 2626

Regarding claims 55 and 64, Baker teaches a voice output apparatus and method comprising:

a text display unit operable to display a text message which is information to be transmitted to a user and a voice output unit operable to output, via voice message, the information to be transmitted (*the speech recognition unit performs processing and the output of the speech recognition unit is proceeded to the human call center operator, preferably by way of text proved on a display and at the same time (or just before or after the text is provided on the display) the caller's recorded utterances are audibly provided to the human call center operator, (Paragraph 44)*);

However, Baker fails to teach a voice output apparatus and method comprising a delay determination unit operable to determine a delay time according to a display mode of the text message displayed by said text display unit wherein a voice output unit operable to output, via voice message, the information to be transmitted, when the delay time determined by said delay determination unit passes after the text message is displayed by said display unit. *Kivimaki teaches, in analogous art, the concept of inserting a delay into a text to speech system wherein the delay can be varied in dependence on the number of words and characters in a text group (Column 6 lines 9-14 and lines 47-52).*

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the concept of varied delay disclosed in Kivimaki with the voice output apparatus disclosed in Baker in order

to make the system more user friendly by allowing the user to read the entire text message without interruption. More specifically, the delay would control the time period "just after" the text provided on the screen is displayed at which time the "caller's recorded utterances are audibly provided" and the display mode corresponds to the length of the text displayed.

3. Claims 56 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kivimaki and further in view of Gasper (U.S. Patent No. 4,884,972).

Regarding claims 56 and 65, Baker in view of Kivimaki teaches the limitations of claims 55 and 67.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method that utilizes the size of characters to make a determination. *Gasper teaches the concept of using font information to make a determination (Column 17 lines 30-34).* Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the determination based on font size in order to make the device more user friendly by accounting for the increased time in which it takes to comprehend a smaller font.

More specifically, Baker in view of Kivimaki fails teach a voice output apparatus and method wherein said delay determination unit is operable to determine that the delay time should be short in the case where the size of characters in the text message displayed by said text display unit is large and

Art Unit: 2626

determine that the delay time should be long in the case where the size of the characters is small. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to increase a delay time according to character font size because it would have been known to one of ordinary skill in the art that as text font size decreases the speed at which a human is able to comprehend the text decreases. Therefore, it would have been obvious to increase the delay (or comprehension time) in order to allow the user more time to comprehend the text.

4. Claims 57, 63, 66, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kivimaki and further in view of Brackett (U.S. Patent No. 7,151,435 B2).

Regarding claims 57 and 66, Baker in view of Kivimaki teaches the limitations of claims 55 and 67.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method that displays a focal point. *Brackett, in analogous art, teaches that a display could also give an alarm wherein the alarm may be by way of a visual signal such as an icon (Column 5 lines 30-41).* Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the visual icon disclosed in Brackett with the display disclosed in Baker in view of Kivimaki in order to make the device more user

friendly by using the icon to get the attention of the user to show an occurrence of an event.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method wherein said delay determination unit is operable to determine that the delay time should be long in the case where a distance between a focal point and characters in the text message displayed by said text display unit is long, the focal point being set on said text display unit for attracting user's attention and determine that the delay time should be short in the case where the distance is short. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine a delay based on the distance between the focal point disclosed in Brackett and the display disclosed in Baker in view of Kivimaki because it would have been well known to one of ordinary skill in the art that the time period for the eyes travel between two points is dependent upon the distance between two points. Therefore, it would have been obvious to increase or decrease a delay time based on a relative distance between a display and another point in space.

Regarding claims 63 and 72, Baker in view of Kivimaki teaches the limitations of claims 57 and 66. Brackett further teaches a voice output apparatus and method wherein said text display unit is operable to display an agent as the focal point (*a display could also give an alarm wherein the alarm may be by way of a visual signal such as an icon (Column 5 lines 30-41)*).

5. Claims 60 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kivimaki and further in view of Sturner et al. (U.S. Patent No. 5,303,327).

Regarding claims 60 and 69, Baker in view of Kivimaki teaches the limitations of claims 55 and 67.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method comprising a personal information obtainment unit operable to obtain an age of the user. *Sturner teaches means for recording demographic data concerning the subject wherein appropriate demographic data to collect from the subject may include age and the demographic data is used to make a decision (Column 6 lines 1-15).* Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the means for collecting age information disclosed in Sturner with the voice output apparatus disclosed in Baker in view of Kivimaki in order make the device more user friendly by tailoring the operation of the device to the reading abilities of the different age groups.

However, Baker in view of Kivimaki further in view of Sturner fails to teach a voice output apparatus and method wherein said delay determination unit is operable to determine that the delay time should be long in the case where the obtained age is high and determine that the delay time should be short in the case

where the obtained age is low. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine a delay based on the age of the user because it would have been well known to one of ordinary skill in the art at the time of invention that the speed at which an individual can read decreases as the muscles contained within an individual's eyes age. Therefore, it would have been obvious to increase or decrease the delay in order to afford more time for users of an older age to comprehend the text displayed.

6. Claims 61, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kivimaki and further in view of Kojima et al. (U.S. Patent No. 5,738,318).

Regarding claims 61 and 70, Baker in view of Kivimaki teaches the limitations of claims 55 and 64.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method comprising a habituation specifying unit operable to obtain the number of times the user operates said voice output apparatus, wherein said delay determination unit is operable to determine that the delay time should be short in the case where the obtained number of operations is large; and determine that the delay time should be long in the case where the obtained number of operations is small. *Kojima, in analogous art, teaches a counter part which counts up the number of time the apparatus is used by 1 every time the recognition results is supplied thereto and a delay time setting part that sets the delay time of the variable delay part depending on the counted value of the*

Art Unit: 2626

counter part so that the delay time decreases as the counted value increase (Column 3 lines 54-64). Therefore, it would have been obvious to one of ordinary skill in the art to combine the variable delay and counter disclosed in Kojima with the voice output apparatus disclosed in Baker in view of Kivimaki in order to make the device quicker for those users more familiar with the apparatus (Kojima, Column 3 lines 64-68). More specifically, although Kojima does not explicitly disclose a longer delay for a fewer count values, the longer delay is inherent in the disclosure's delay-setting procedure.

7. Claims 62 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Kivimaki and further in view of Mills et al. (U.S. Pub. No. 2004/0032935 A1).

Regarding claims 62 and 71, Baker in view of Kivimaki teaches the limitations of claims 55 and 64.

However, Baker in view of Kivimaki fails to teach a voice output apparatus and method comprising a habituation specifying unit operable to obtain an operation time during which the user operates said voice output apparatus wherein said delay determination is operable to determine that the delay time should be short in the case where the obtained operation time is long and determine that the delay time should be long in the case where the obtained operation time is short. *Mills, in analogous art, teaches analyzing the performance data collected by the IVR simulation application in the log file,, the company may score participants call routing performance based on two factors--*

Art Unit: 2626

accomplishment of the task and the time spent in the IVR simulation application attempting to accomplish the task (Paragraph 11). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further include the calculation of time spent disclosed in Mills with the determination of delay disclosed in Baker in view of Kivimaki in order to make the device quicker for those users more familiar with the apparatus (Kojima, Column 3 lines 64-68). More specifically, the log of time spent corresponds to the counter value disclosed in Kojima upon which the delay determination is based.

Allowable Subject Matter

8. Claims 59 and 68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. More specifically, the novel feature is directed to the determination of delay based on the rate of flashing of the text. While Brackett teaches a flashing display, in other words flashing text, (Column 5 line 39) it would not have been obvious to one of ordinary skill in the art at the time the invention was made to decrease the delay time when the rate of flashing text is higher.

Conclusion

1. For copies of the signed IDS (Form 1449), please refer to the previously mailed information regarding the application filed on 9/27/2005 and 7/21/2005.
2. Any response to this Office Action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22314

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel Graham whose telephone number is (571) 270-5360.

The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached at (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel Graham/
Patent Examiner
Art Unit 2626

Application/Control Number: 10/542,947

Page 12

Art Unit: 2626

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

10/9/2008